IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2527 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DHARAMSHI V THOGADIA

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 2527 of 2004

MR PC KAVINA for Petitioner No. 1

MRS MANISHA SHAH AGP for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 17/12/2004

ORAL JUDGEMENT

1. The petitioner has preferred this petition in order to quash and set aside the Notice dated 30/09/2003 issued by respondent no.2 to the petitioner, at Annexure-C to the petition, and to direct the respondents to enter the name of the petitioner in the land records of Rajkot Rural Revenue Survery.

2. The impugned Notice at Annexure-C to the petition was issued in spite of the decision of this Court dated 02/07/2003 passed in Special Civil Application No.1012 of 2001. The said Notice might have been issued in view of the fact that the Collector and the Addl.Mamlatdar had preferred Letters Patent Appeal No.1366 of 2004 against the decision of this Court passed in the aforesaid Special Civil Application. The said Letters Patent Appeal was disposed of by this Court by judgment and order dated 06/07/2004.

3. In above view of the matter, the order dated 02/07/2003 passed by the learned Single Judge in Special Civil Application No.1012 of 2001 stands confirmed. Hence, the order passed in the aforesaid Special Civil Application is required to be implemented.

4. In the result, the petition is allowed. The respondents are restrained from taking action pursuant to the Notice dated 30/09/2003 issued to the petitioner at Annexure-C to the petition. The proceedings initiated pursuant to the Notice dated 30/09/2003 are quashed and set aside. The respondents are directed to implement the decision of this Court dated 02/07/2003 passed in Special Civil Application No.1012 of 2003 within a period of FOUR WEEKS from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent. Copy of the order be supplied to the learned A.G.P. Direct service permitted.

(K. S. Jhaveri, J.)

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